

REMARKS

This Amendment responds to Final Office Action mailed December 8, 2004.

In paragraphs 2-3 of the Office Action, the Examiner rejects claims 1, 2, 4, and 8 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, claim 1, as amended recites “remote mobile radio station” and “destination mobile radio station,” but it is asserted that it is unclear whether or not the two radio stations are the same. In response, Applicants respectfully assert that the two radio stations are not necessarily the same. More particularly, the destination mobile radio station is identified by the address in a packet, whereas the remote radio station is “a radio station belonging to a different radio link.” See Specification, p. 4, line 17 to p. 5, line 1. In addition, claim 1 recited both “storing” and “registered,” whereby the former term does not provide antecedent basis for the latter. In response, Applicants have amended this claim to recite “registering,” to provide the proper antecedent basis for later recitations of “registered.” In doing so, Applicants have not narrowed the scope of this claim, and have corrected the antecedent basis problem noted in claim 2. Applicants have amended claims 2, 4 and 8 to correct other antecedent basis problems noted in the Office Action.

Applicants wish to thank the Examiner for recognizing in paragraph 6 of the Office Action that claims 3, 6, 7, and 9-14 are allowable. However, Applicants believe that each of the pending claims, as amended, are patentable over the newly cited prior art.

In paragraphs 4 and 5 of the Office Action, claims 1, 5 and 15 are rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 5,883,887 to Take et al. (Take). The Examiner’s rejection on this ground is respectfully traversed.

Among the limitations of independent claim 1 which are neither disclosed nor suggested in the art of record is the requirement that the claimed mobile radio communication apparatus comprises “means for registering a remote radio channel used by a remote mobile radio station and an address of said remote mobile radio station, wherein said remote mobile radio station belongs to a different radio link from said apparatus” and “means for transmitting the packet by using the selected radio channel.” If the destination mobile radio station’s channel is registered, such transmission will be directly between the claimed mobile radio station and the destination mobile radio station. Claim 15 contains similar limitations.

Take discloses a base station that uses a different radio link for each mobile radio station that the base station communicates with. Therefore, Take fails to anticipate the claimed mobile radio communication apparatus for three reasons: 1.) Take fails to disclose direct mobile-to-mobile communications – all communications must pass through a base station; 2.) Take doesn’t teach or suggest a mobile station that selects different radio frequency communication channels to effect communications with other mobile stations; and 3.) Take fails to disclose a plurality of mobile radio stations that utilize the same radio link, and thus share the same radio frequency communication channel, to effect communications, as is known in the art of radio LAN systems (see Specification, page 1, lines 14-20), and thus is in a disparate art. In the absence of any disclosure or suggestion of these features of the invention, claims 1 and 15 are believed to be in condition for allowance.

Claims 2, 4, 5 and 8 depend from claim 1 and include all the limitations found therein. These claims include further limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested in the art of record, and are therefore also believed to be in condition for allowance.

In view of the above, each of the presently pending claims in this application are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: March 8, 2005

Respectfully submitted,

By 

Robert G. Gingher

Registration No.: 47,753

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas, 41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicants